

Atty. Docket No. BMID 9941 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

In re application of: Goerlach-Graw, Ada, et al.

JAN 1 0 2001

Application No.: 09/594,972

Group No.: 1641

TECH CENTER 1600/2903

Filed: June 15, 2000

Examiner: To Be Assigned

For: ELEMENT, METHOD AND KIT FOR THE DETERMINATION OF AN ANALYTE IN A

LIQUID (AS AMENDED)

Assistant Commissioner for Patents Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

A Preliminary Amendment was submitted to the U.S. Patent and Trademark Office on November 21, 2000, with payment of additional claim fees. A copy of the Preliminary Amendment with Transmittal Form, Fee Transmittal and return postcard as filed is enclosed.

Because the additional claims fees have been submitted to the Office with the Preliminary Amendment mentioned above, the attached Response to Notice to File Missing Parts of Application now includes the basic filing fee of \$710, the surcharge for late payment of filing fee of \$130, and the two-month extension fee of \$390.

Respectfully submitted.

Date: December 7, 2000

Brent A. Harris, Reg. No. 39,215 Roche Diagnostics Corporation 9115 Hague Road, Bldg. D

9115 Hague Road, Bldg. L

P.O. Box 50457

Indianapolis, IN 46250-0457 Telephone No.: (317) 521-3416 Facsimile No.: (317) 521-2883

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Please type a pl	us sign (+) inside this dox	DEMAR	Approv	TECH CENTEP 16/38/26(108-00) ed for use through 10/31/2002 OMB 0651-003:		
U.S. Patent and Trademark Office U.S DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number						
			Application Number	09/594,972		
TRANSMITTAL			Filing Date	June 15, 2000		
FORM			First Named Inventor	GOERLACH-GRAW		
(to be used for all correspondence after initial filing)			Group Art Unit	1641		
			Examiner Name	To Be Assigned		
Total Number	of Pages in This Subm	nission 9	Attorney Docket Number	BMID 9941 US		
		ENCL	OSURES (check	all that apply)		
X Fee Transmittal Form Fee Attached Drawing Preliminary After Final Aftidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Assignm (for an A Drawing Licensing Petition Provision Provision Power of Change Address Terminal Request		g-related Papers to Convert to a nal Application f Attorney, Revocation of Correspondence	After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Buel) Proprietary Information Status Letter Other Enclosure(s) (please identify below):			
		·				
	SIGNATU	RE OF APPLIC	CANT, ATTORNEY, OR A	GENT		
Firm or Individual name	Jill L. Woodburn, Reg. 39,874					
Signature	10 Loud Woodburd					
Date Nov. 21, acco						
CERTIFICATE OF MAILING						
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington. DC 20231 on this date: Nov. 21, 2000						
Typed or printed name Jill L. Woodburn						
Signature 2002 (And Duid) Date Mo./ 21, 2000						

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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DEC 1 1 2000 G

Approved for use through 10/31/2002 OMB 6651-0632
U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

2	2	4

(\$)

Application Number 09/594,972
Filing Date June 15, 2000
First Named Inventor GOERLACH-GRAW
Examiner Name To Be Assigned
Group Art Unit 1641
Attorney Docket No. BMID 9941 LIS

METHOD OF PAYMENT	FEE CALCULATION (continued)				
1.XX The Commissioner is hereby authorized to charge	3. ADDITIONAL FEES				
Indicated fees and credit any overpayments to: Deposit	Large Small				
Account Number 50-0877	Entity Entity Fee Fee Fee Fee Fee Fee Fee	n_:-			
Deposit	Code (\$) Code (\$) Fee Description Fee	Paid			
Account	105 130 205 65 Surcharge late filing fee or oath				
Koche Diagnosiles Gineri	127 50 227 25 Surcharge - late provisional filing fee or				
Under 37 CFR 1.16 and 1.17	cover sheet				
Applicant claims small entity status. See 37 CFR 1.27	139 130 139 130 Non-English specification				
2. Payment Enclosed:	147 2,520 147 2,520 For filing a request for ex parte reexamination				
Check Credit card Money Order Other	112 920° 112 920° Requesting publication of SIR prior to Examiner action				
FEE CALCULATION	113 1.840* 113 1,840* Requesting publication of SIR after Examiner action				
1. BASIC FILING FEE	115 110 215 55 Extension for reply within first month .				
Large Entity Small Entity	116 390 216 195 Extension for reply within second month				
Fee Fee Fee Fee Description Code (\$) Code (\$) Fee Paid	117 890 217 445 Extension for reply within third month				
101 710 201 355 Utility filling fee	118 1.390 218 695 Extension for reply within fourth month				
106 320 206 160 Design filing fee	128 1,890 228 945 Extension for reply within fifth month				
107 490 207 245 Plant filing fee	119 310 219 155 Notice of Appeal]			
108 710 208 355 Reissue filing fee	120 310 220 155 Filing a brief in support of an appeal				
114 150 214 75 Provisional filing fee	121 270 221 135, Request for oral hearing				
0.1070704 (4) (4)	138 1,510 138 1,510 Petition to institute a public use proceeding				
SUBTOTAL (1) (\$)	140 110 240 55 Petition to revive unavoidable				
2. EXTRA CLAIM FEES	141 1,240 241 620 Petition to revive - unintentional				
Extra Claims below Fee Paid	142 1,240 242 620 Utility issue fee (or reissue)				
Total Claims 28 .20** = 8 x 18 = 144	143 440 243 220 Design issue fee				
Independent 4 .3" = 1 x 80 = 80	144 600 244 300 Plant issue fee				
Multiple Dependent	122 130 122 130 Petitions to the Commissioner				
	123 50 123 50 Processing (se under 37 CFR 1.17(q)				
Large Entity Small Entity Fee Fee Fee Fee Fee Description	126 180 126 180 Submission of Information Disclosure Stml	—II			
Code (\$) Code (\$) 103 18 203 9 Claims in excess of 20	581 40 581 40 Recording each patern assignment per property (times number of properties)				
102 80 202 40 Independent claims in excess of 3	146 710 246 355 Filing a submission after final rejection				
104 270 204 135 Multiple dependent claim, if not paid	(37 CFR § 1.129(a)) 149 710 249 355 For each additional invention to be	 			
109 80 209 40 ** Reissue independent claims over original patent	examined (37 CFR § 1.129(b))	 			
110 18 210 9 "Reissue claims in excess of 20	179 710 279 355 Request for Continued Examination (RCE)				
and over original patent	169 900 169 900 Request for expedited examination of a design application				
SUBTOTAL (2) (\$) 224	Other fee (specify)				
° or number previously paid, if greater: For Reissues, see above	Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)				

SUBMITTED BY			Complete (if applicable)
Name (Print/Type)	Jill L. Woodburn	Registration No. 39,874	Telephone (812) 842-2660
Signature	200 & Woodburg)	Dale 161,21,200

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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For: ELEMENT, METHOD AND KIT FOR THE DETERMINATION OF AN

ANALYTE IN A LIQUID (AS AMENDED)

Assistant Commissioner for Patents

Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Preliminary to examination of the captioned application, entry of the following amendments and consideration of the following remarks is respectfully requested.

In the Specification:

Please amend the specification as follows:

On page 1, line 1, please replace "Element for the determination of an analyte in a liquid, a corresponding method of determination using the element and a kit for the determination of an analyte" with -- ELEMENT, METHOD AND KIT FOR THE DETERMINATION OF AN ANALYTE IN A LIQUID--;

On page 1, before line 4, please add -- <u>Cross-Reference to Related Application</u>
This application claims priority under 35 U.S.C. §119 of German Application Serial No. 199
27 783.4 filed June 18, 1999. --;

On page I line 4, please add -- Background and Summary of the Invention--;

On page 4 before line 18, please add -- Brief Description of the Drawings

Fig. 1 is a top view of an element according to the invention;

Fig. 2 is a top view of an element according to the invention;

Fig. 3 is a top view of an element according to the invention; and

Fig. 4 is a top view of an element according to the invention which contains two adjacent zones, which each carry a different one of two conjugates.

Detailed Description of the Invention ---